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(A Pennsylvania Limited Liability Partnership)

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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

CRANBURY BRICK YARD, LLC,

Plaintiff,

v.

**UNITED STATES OF AMERICA, THE
UNITED STATES DEPARTMENT OF
THE NAVY, and THE UNITED STATES
DEPARTMENT OF THE ARMY,**

Defendants.

Civ. Action No. 15-2789 (BRM) (LHG)

**CERTIFICATION OF MARK A. FIORE IN
SUPPORT OF PLAINTIFF'S MOTION
FOR SUMMARY JUDGMENT**

I, Mark A. Fiore, of full age, hereby certify as follows:

1. I am an attorney-at-law in the State of New Jersey and an associate with the law firm of Morgan, Lewis & Bockius, LLP, counsel for Cranbury Brick Yard, LLC, in the captioned action. As such, I have personal knowledge of the facts set forth herein.
2. I make this certification pursuant to L. Civ. R. 7.2 in support of Plaintiff's Motion for Summary Judgment.
3. Attached to Plaintiff's Statement of Undisputed Facts in Support of its Motion for Summary Judgment (hereinafter, the "Statement of Facts") as Exhibit 1 is a true and correct copy of CBY_0005003, Closing Certificate dated January 11, 2006.

4. Attached to the Statement of Facts as Exhibit 2 is a true and correct copy of CRANBURY-NAVY000001, Directive and Notice to Insurers dated December 29, 2004.
5. Attached to the Statement of Facts as Exhibit 3 is a true and correct copy of the Expert Report of Robert M. Zoch dated March 31, 2017.
6. Attached to the Statement of Facts as Exhibit 4 is a true and correct copy of MAXCRAN0001710, deed between Middlesex-Cranbury Associates and Cranbury Development Corp. dated February 13, 1974.
7. Attached to the Statement of Facts as Exhibit 5 is a true and correct copy of CBY_0002120, Remedial Investigation Report dated March 27, 2006.
8. Attached to the Statement of Facts as Exhibit 6 is a true and correct copy of the deposition transcript of Donald Jenkins at pp. 11-12, 24, 129-32, 141-46.
9. Attached to the Statement of Facts as Exhibit 7 is a true and correct copy of MAXCRAN0001716, Administrative Consent Order dated February 3, 2005.
10. Attached to the Statement of Facts as Exhibit 8 is a true and correct copy of CBY_0158238, Operating Agreement of Cranbury Brick Yard, LLC dated April 27, 2005.
11. Attached to the Statement of Facts as Exhibit 9 is a true and correct copy of the deposition transcript of William Lynott at pp. 14, 21-23, 171, 173-74, 219-20, 223.
12. Attached to the Statement of Facts as Exhibit 10 is a true and correct copy of CBY_0004800, Bill of Sale and Assignment dated January 11, 2006.
13. Attached to the Statement of Facts as Exhibit 11 is a true and correct copy of CBY_0066077, Administrative Consent Order Amendment dated February 16, 2006.

14. Attached to the Statement of Facts as Exhibit 12 is a true and correct copy of CBY_0001125, Munitions and Explosives of Concern Remedial Investigation Report/Remedial Action Selection Report/Remedial Action Workplan dated May 15, 2007 (“MEC RAWP”).
15. Attached to the Statement of Facts as Exhibit 13 is a true and correct copy of the deposition transcript of Raymond Dovell at p. 35.
16. Attached to the Statement of Facts as Exhibit 14 is a true and correct copy of the Supplemental Expert Report of Raymond Dovell.
17. Attached to the Statement of Facts as Exhibit 15 is a true and correct copy of the Expert Report of Shannon Rusnak.
18. Attached to the Statement of Facts as Exhibit 16 is a true and correct copy of MAXCRAN0003512, Letter from Unexcelled Manufacturing Co. dated January 10, 1945.
19. Attached to the Statement of Facts as Exhibit 17 is a true and correct copy of CRANBURY-BRIGHAM-0000146, Alphabetic Listing of Major War Supply Contracts, June 1940 through September 1945.
20. Attached to the Statement of Facts as Exhibit 18 is a true and correct copy of CBY_0026956, Heritage Research Center, Ltd. PRP Investigation dated February 16, 2005.
21. Attached to the Statement of Facts as Exhibit 19 is a true and correct copy of MAXCRAN0000247, Contract DA Nord (F)-1089 entered into on April 1, 1942 (the “1089 Contract”).

22. Attached to the Statement of Facts as Exhibit 20 is a true and correct copy of the deposition of Jay Brigham at pp. 99-100, 137-140, 142-143, 146-148, 151-155, 157-158, 181, 246-248, 250-252, 254-256, 259, 262, 266-269.
23. Attached to the Statement of Facts as Exhibit 21 is a true and correct copy of MAXCRAN0003421, Contract 1089 Progress Report Form dated September 24, 1942.
24. Attached to the Statement of Facts as Exhibit 22 is a true and correct copy of MAXCRAN0003301, Request for Approval of Expenditures dated November 26, 1943.
25. Attached to the Statement of Facts as Exhibit 23 is a true and correct copy of MAXCRAN0003302, Request for Approval of Expenditures dated November 26, 1943.
26. Attached to the Statement of Facts as Exhibit 24 is a true and correct copy of MAXCRAN0003304, Request for Approval of Expenditures dated November 26, 1943.
27. Attached to the Statement of Facts as Exhibit 25 is a true and correct copy of MAXCRAN0003309, Letter from the Naval Inspector of Ordnance dated November 26, 1943.
28. Attached to the Statement of Facts as Exhibit 26 is a true and correct copy of MAXCRAN0003357, Request for Approval of Expenditure dated November 27, 1943.
29. Attached to the Statement of Facts as Exhibit 27 is a true and correct copy of MAXCRAN0003364, Request for Approval of Expenditures dated November 27, 1943.
30. Attached to the Statement of Facts as Exhibit 28 is a true and correct copy of MAXCRAN0003360, Request for Approval of Expenditures dated November 27, 1943.
31. Attached to the Statement of Facts as Exhibit 29 is a true and correct copy of MAXCRAN0003129, Request for Approval of Expenditures dated November 26, 1943.

32. Attached to the Statement of Facts as Exhibit 30 is a true and correct copy of MAXCRAN0003132, Letter from Naval Inspector of Ordnance dated November 26, 1943.
33. Attached to the Statement of Facts as Exhibit 31 is a true and correct copy of MAXCRAN0003269, Request for Approval of Expenditures dated November 27, 1943.
34. Attached to the Statement of Facts as Exhibit 32 is a true and correct copy of MAXCRAN0003271, Letter from Naval Inspector of Ordnance dated November 26, 1943.
35. Attached to the Statement of Facts as Exhibit 33 is a true and correct copy of MAXCRAN0003272, Request for Approval of Expenditure dated November 27, 1943.
36. Attached to the Statement of Facts as Exhibit 34 is a true and correct copy of MAXCRAN0003275, Letter from Naval Inspector of Ordnance dated November 26, 1943.
37. Attached to the Statement of Facts as Exhibit 35 is a true and correct copy of MAXCRAN0003276, Request for Approval of Expenditure dated November 27, 1943.
38. Attached to the Statement of Facts as Exhibit 36 is a true and correct copy of MAXCRAN0003280, Letter from Naval Inspector of Ordnance dated November 26, 1943.
39. Attached to the Statement of Facts as Exhibit 37 is a true and correct copy of MAXCRAN0003281, Request for Approval of Expenditure dated November 27, 1943.
40. Attached to the Statement of Facts as Exhibit 38 is a true and correct copy of MAXCRAN0003284, Letter from Naval Inspector of Ordnance dated November 26, 1943.

41. Attached to the Statement of Facts as Exhibit 39 is a true and correct copy of MAXCRAN0003285, Request for Approval of Expenditure dated November 27, 1943.
42. Attached to the Statement of Facts as Exhibit 40 is a true and correct copy of MAXCRAN0003289, Letter from Naval Inspector of Ordnance dated November 26, 1943.
43. Attached to the Statement of Facts as Exhibit 41 is a true and correct copy of MAXCRAN0003290, Request for Approval of Expenditure dated November 27, 1943.
44. Attached to the Statement of Facts as Exhibit 42 is a true and correct copy of MAXCRAN0003293, Letter from Naval Inspector of Ordnance dated November 26, 1943.
45. Attached to the Statement of Facts as Exhibit 43 is a true and correct copy of MAXCRAN0003294, Request for Approval of Expenditure dated November 27, 1943.
46. Attached to the Statement of Facts as Exhibit 44 is a true and correct copy of MAXCRAN0003298, Request for Approval of Expenditure dated November 27, 1943.
47. Attached to the Statement of Facts as Exhibit 45 is a true and correct copy of MAXCRAN0003300, Letter from Naval Inspector of Ordnance dated November 26, 1943.
48. Attached to the Statement of Facts as Exhibit 46 is a true and correct copy of MAXCRAN0003327, Request for Approval of Expenditure dated November 27, 1943.
49. Attached to the Statement of Facts as Exhibit 47 is a true and correct copy of MAXCRAN0003329, Letter from Naval Inspector of Ordnance dated November 26, 1943.

50. Attached to the Statement of Facts as Exhibit 48 is a true and correct copy of MAXCRAN0003310, Request for Approval of Expenditure dated November 27, 1943.
51. Attached to the Statement of Facts as Exhibit 49 is a true and correct copy of MAXCRAN0003313, Letter from Naval Inspector of Ordnance dated November 26, 1943.
52. Attached to the Statement of Facts as Exhibit 50 is a true and correct copy of MAXCRAN0003314, Request for Approval of Expenditure dated November 27, 1943.
53. Attached to the Statement of Facts as Exhibit 51 is a true and correct copy of MAXCRAN0003315, Letter from Naval Inspector of Ordnance dated November 26, 1943.
54. Attached to the Statement of Facts as Exhibit 52 is a true and correct copy of MAXCRAN0003369, Request for Approval of Expenditure dated November 27, 1943.
55. Attached to the Statement of Facts as Exhibit 53 is a true and correct copy of MAXCRAN0003371, Request for Approval of Expenditure dated November 27, 1943.
56. Attached to the Statement of Facts as Exhibit 54 is a true and correct copy of MAXCRAN0008856, Weekly Report dated September 5, 1952.
57. Attached to the Statement of Facts as Exhibit 55 is a true and correct copy of CRANBURY-NARACP0002012, Letter from Naval Inspector of Ordnance dated December 17, 1942.
58. Attached to the Statement of Facts as Exhibit 56 is a true and correct copy of MAXCRAN0002902, Letter from Department of the Navy dated May 10, 1951.
59. Attached to the Statement of Facts as Exhibit 57 is a true and correct copy of MAXCRAN0002998, Letter from UMC dated October 9, 1952.

60. Attached to the Statement of Facts as Exhibit 58 is a true and correct copy of MAXCRAN0003042, Letter from Department of the Navy, Bureau of Ordnance dated December 2, 1952.
61. Attached to the Statement of Facts as Exhibit 59 is a true and correct copy of NARA-SL0000122, Letter from Department of the Army, New York Ordnance District dated July 13, 1953.
62. Attached to the Statement of Facts as Exhibit 60 is a true and correct copy of NARA-SL0000123, Letter from Department of the Army, New York Ordnance District dated August 12, 1953.
63. Attached to the Statement of Facts as Exhibit 61 is a true and correct copy of NARA-SL0000124, Letter from Department of the Army, New York Ordnance District (undated).
64. Attached to the Statement of Facts as Exhibit 62 is a true and correct copy of NARA-SL0000131, Shipping Order from Ordnance Ammunition Center, Joliet, Illinois dated October 8, 1953.
65. Attached to the Statement of Facts as Exhibit 63 is a true and correct copy of NARA-SL0000144, Letter from Department of the Army, New York Ordnance District dated November 30, 1953.
66. Attached to the Statement of Facts as Exhibit 64 is a true and correct copy of CRANBURY-NARASL001222, Letter from Department of the Army, New York Ordnance District listing various dates in December 1953.

67. Attached to the Statement of Facts as Exhibit 65 is a true and correct copy of NARA-SL0000163, New York Ordnance District Monthly Report for the period ending December 31, 1953.
68. Attached to the Statement of Facts as Exhibit 66 is a true and correct copy of CRANBURY-NARASL001329, Shipping Order dated September 17, 1954.
69. Attached to the Statement of Facts as Exhibit 67 is a true and correct copy of CRANBURY-NARACP0001967, Letter from Chief, Procurement Planning Section, Chemical Corps. dated February 17, 1947.
70. Attached to the Statement of Facts as Exhibit 68 is a true and correct copy of MAXCRAN0003183, Memorandum re: Fuze, Grenade, Hand, M204A1.
71. Attached to the Statement of Facts as Exhibit 69 is a true and correct copy of CRANBURY-ARMY0009638, Ammunition Data Card dated November 11, 1952.
72. Attached to the Statement of Facts as Exhibit 70 is a true and correct copy of NARA-SL0000047, Letter from Ordnance Ammunition Center dated December 31, 1952.
73. Attached to the Statement of Facts as Exhibit 71 is a true and correct copy of MAXCRAN0003880, Testimony of L. Gary Clemente, Vice President, Unexcelled Chemical Corporation before the House of Representatives Committee on Armed Services, Special Subcommittee on Defense Activities under House Resolution 125 dated July 22, 1953.
74. Attached to the Statement of Facts as Exhibit 72 is a true and correct copy of the deposition of Daniel Linehan, 30(b)(6) witness for Defendants, dated September 29, 2016 at pp. 88-91, 110-111, 206-220, 222, 252, 270-271.

75. Attached to the Statement of Facts as Exhibit 73 is a true and correct copy of NARA-SL0000229, Joint Message Form from Acting Deputy, New York Ordnance District dated July 22, 1954.
76. Attached to the Statement of Facts as Exhibit 74 is a true and correct copy of the deposition of Daniel Linehan, 30(b)(6) witness for Defendants, dated February 17, 2017 at pp. 167, 202-03, 282.
77. Attached to the Statement of Facts as Exhibit 75 is a true and correct copy of NARA-SL0000231, Memorandum re: Explosion, Unexcelled Chemical Corp. dated July 27, 1954.
78. Attached to the Statement of Facts as Exhibit 76 is a true and correct copy of the deposition transcript of Robert Zoch at pp. 65, 71, 124, 151-52.
79. Attached to the Statement of Facts as Exhibit 77 is a true and correct copy of MAXCRAND0J0000105, Letter from Inspector of Naval Material dated June 15, 1953.
80. Attached to the Statement of Facts as Exhibit 78 is a true and correct copy of MAXCRAND0J0000103, Letter from Commanding Officer, Naval Ammunition Depot dated July 2, 1953.
81. Attached to the Statement of Facts as Exhibit 79 is a true and correct copy of MAX0003781, Letter from Inspector of Naval Material dated August 12, 1953.
82. Attached to the Statement of Facts as Exhibit 80 is a true and correct copy of MAXCRAN0003088, Naval Speed Letter from Chief, Bureau of Ordnance dated January 7, 1955.
83. Attached to the Statement of Facts as Exhibit 81 is a true and correct copy of MAXCRAN0002870, Letter from Inspector of Naval Material dated February 1, 1955.

84. Attached to the Statement of Facts as Exhibit 82 is a true and correct copy of CBY_0021424, AECOM Conceptual Remedial Action Work Plan dated November 11, 2005.
85. Attached to the Statement of Facts as Exhibit 83 is a true and correct copy of CRANBURY-ARMY0009393, Ammunition Data Card dated November 1951.
86. Attached the Statement of Facts as Exhibit 84 is a true and correct copy of the deposition transcript of Harold Redmond at pp. 84-85, 95-97, 99-100, 103-104, 108, 113-14.
87. Attached to the Statement of Facts as Exhibit 85 is a true and correct copy of CRANBURY-ARMY0003194, Ordnance Safety Manual dated December 1, 1941.
88. Attached to the Statement of Facts as Exhibit 86 is a true and correct copy of USAR02833, Ordnance Safety Manual dated May 3, 1945.
89. Attached to the Statement of Facts as Exhibit 87 is a true and correct copy of CRANBURY-LC0001917, Ordnance Safety Manual dated September 4, 1951.
90. Attached to the Statement of Facts as Exhibit 88 is a true and correct copy of CRANBURY-NARACP0001427, Letter to Chief of Ordnance, War Department dated June 28, 1944.
91. Attached to the Statement of Facts as Exhibit 89 is a true and correct copy of the Expert Report of Harold Redmond at p. 14.
92. Attached to the Statement of Facts as Exhibit 90 is a true and correct copy of CRANBURY-NARACP0001937, Reports of Fires at Facilities Located Within the Jurisdiction of the Safety and Security Branch, New York Ordnance Division dated April 16, 1943.

93. Attached to the Statement of Facts as Exhibit 91 is a true and correct copy of CRANBURY-NARACP0001939. Report of Sabotage, Fire or Other Occurrence in a Manufacturing Plant dated September 17, 1943.
94. Attached to the Statement of Facts as Exhibit 92 is a true and correct copy of the deposition transcript of James Pastorick at pp. 56, 82-83, 131-132, 151, 161, 169, 171-172, 228-229, 240, 271-279.
95. Attached to the Statement of Facts as Exhibit 93 is a true and correct copy of CRANBURY-MCLANE-000157, Interim Guidance Regarding Criteria Landowners Must Meet in Order to Qualify for Bona Fide Prospective Purchaser, Contiguous Property Owner, or Innocent Landowner Limitations on CERCLA Liability (“Common Elements”) dated March 6, 2003.
96. Attached to the Statement of Facts as Exhibit 94 is a true and correct copy of 68 FR 24888.
97. Attached to the Statement of Facts as Exhibit 95 is a true and correct copy of ASTM E1527-2000.
98. Attached to the Statement of Facts as Exhibit 96 is a true and correct copy of CBY_0021555, Contract for Technical Evaluation and Due Diligence Support between IRG Environmental, LLC and AECOM Environmental Group dated June 22, 2005.
99. Attached to the Statement of Facts as Exhibit 97 is a true and correct copy of CBY_0021502, Due Diligence Task Order dated August 17, 2005.
100. Attached to the Statement of Facts as Exhibit 98 is a true and correct copy of CBY_0021526, Former Unexcelled Chemical Site, Site Data Summary and Scoping Document dated August 18, 2005.

101. Attached to the Statement of Facts as Exhibit 99 is a true and correct copy of CBY_0135759, Letter from Bruce Venner, NJDEP dated November 18, 2005.
102. Attached to the Statement of Facts as Exhibit 100 is a true and correct copy of the deposition of Brian Blum at pp. 13, 26-27, 57, 66-67, 101-102, 104, 158-159.
103. Attached to the Statement of Facts as Exhibit 101 is a true and correct copy of CBY_0018719, Wetland Mitigation Plan for Site Remediation Activities dated December 14, 2007.
104. Attached to the Statement of Facts as Exhibit 102 is a true and correct copy of CBY_0018635, Revised Wetland Mitigation Plan for Site Remediation Activities dated July 31, 2012.
105. Attached to the Statement of Facts as Exhibit 103 is a true and correct copy of CBY_0068007, Email from E. Zitek to S. Benner dated August 11, 2014.
106. Attached to the Statement of Facts as Exhibit 104 is a true and correct copy of CBY_0019749, Fixed Price Construction Services Contract dated April 9, 2013.
107. Attached to the Statement of Facts as Exhibit 105 is a true and correct copy of CBY_0111120, an email from J. Crane to B. Blum, et al. dated July 25, 2013.
108. Attached to the Statement of Facts as Exhibit 106 is a true and correct copy of the deposition transcript of Charles McLane at pp. 142, 186-188, 190-191, 193-194.
109. Attached to the Statement of Facts as Exhibit 107 is a true and correct copy of the deposition of Steve Ganch at pp. 182, 187, 190, 192-193, 206, 208-209.
110. Attached to the Statement of Facts as Exhibit 108 is a true and correct copy of Cranbury Township Ordinance at Chapter 150, Section 62, available at <http://ecode360.com/6666651>.

111. Attached to the Statement of Facts as Exhibit 109 is a true and correct copy of relevant portions of the native version of CBY_0200812, Remedial Investigation Report/Remedial Action Work Plan dated September 2016.
112. Attached to the Statement of Facts as Exhibit 110 is a true and correct copy of CBY_0039976, MMG November 2013 Monthly Status Report.
113. Attached to the Statement of Facts as Exhibit 111 is a true and correct copy of CBY_0037228 AMEC Monthly Status Report – May 2014.
114. Attached to the Statement of Facts as Exhibit 112 is a true and correct copy of CBY_0187970, Langan Monthly Status Report – May 2014.
115. Attached to the Statement of Facts as Exhibit 113 is a true and correct copy of CBY_0149879, CBY June 2014 Monthly Report.
116. Attached to the Statement of Facts as Exhibit 114 is a true and correct copy of CBY_0093977, Email from E. Edwardson to C. Harman dated October 15, 2013.
117. Attached to the Statement of Facts as Exhibit 115 is a true and correct copy of UXOPro000221, Memorandum re: Report of Cranbury Brick Yard Project Team Meeting, January 31, 2007.
118. Attached to the Statement of Facts as Exhibit 116 is a true and correct copy of CBY_0031082, Memorandum re: Report of March 9, 2007 Cranbury Brick Yard Meeting.
119. Attached to the Statement of Facts as Exhibit 117 is a true and correct copy of UXOPro001342, Memorandum re: Report of February 3, 2009 Meeting on Cranbury Brickyard.

120. Attached to the Statement of Facts as Exhibit 118 is a true and correct copy of CBY_0063896, email from K. McCormick to S. Dietrick dated October 27, 2011.
121. Attached to the Statement of Facts as Exhibit 119 is a true and correct copy of CBY_0020068, Letter from Langan Engineering and Environmental Services, Inc. to NJDEP dated April 25, 2013.
122. Attached to the Statement of Facts as Exhibit 120 is a true and correct copy of CBY_0018946, Email from G. Zalaskus to S. Ganch, et al. dated September 5, 2014.
123. Attached to the Statement of Facts as Exhibit 121 is a true and correct copy of CRANBURY-TOWNSHIP001382, Remedial Investigation Work Plan dated May 4, 2007 (“RIWP”).
124. Attached to the Statement of Facts as Exhibit 122 is a true and correct copy of CBY_0000865, Munitions and Explosives of Concern Remedial Investigation Report/Remedial Action Selection Report/Remedial Action Workplan Addendum (“MEC RAWP Addendum”) dated March 20, 2009.
125. Attached to the Statement of Facts as Exhibit 123 is a true and correct copy of CBY_0000001, Letter from NJDEP dated April 21, 2009.
126. Attached to the Statement of Facts as Exhibit 124 is a true and correct copy of CBY_0018706, Email from D. Toft to S. Dietrick et al. dated August 26, 2011.
127. Attached to the Statement of Facts as Exhibit 125 is a true and correct copy of CBY_0047769, Email from T. Goss to J. Zingaro dated May 22, 2014.
128. Attached to the Statement of Facts as Exhibit 126 is a true and correct copy of CBY_0021957, Conservation and Maintenance Agreement dated February 18, 2015.

129. Attached to the Statement of Facts as Exhibit 127 is a true and correct copy of CBY_0021880, Conservation Easement Agreement dated February 18, 2015.
130. Attached to the Statement of Facts as Exhibit 128 is a true and correct copy of CBY_0021005, Letter from S. Dietrick, NJDEP to CBY dated January 28, 2013.
131. Attached to the Statement of Facts as Exhibit 129 is a true and correct copy of CBY_0054373, Letter from G. Zalaskus dated August 8, 2008.
132. Attached to the Statement of Facts as Exhibit 130 is a true and correct copy of CBY_0011340, Letter from CBY dated December 29, 2008.
133. Attached to the Statement of Facts as Exhibit 131 is a true and correct copy of CBY_0018900, Letter from Langan dated October 12, 2010.
134. Attached to the Statement of Facts as Exhibit 132 is a true and correct copy of CBY_0018896, letter from EPA Region 2 dated August 14, 2011.
135. Attached to the Statement of Facts as Exhibit 133 is a true and correct copy of the deposition transcript of Steven Hazel at pp. 240, 243.
136. Attached to the Statement of Facts as Exhibit 134 is a true and correct copy of CBY_0164524, Confidential Settlement Agreement dated January 30, 2006.
137. Attached to the Statement of Facts as Exhibit 135 is a true and correct copy of CBY_0004738, Escrow Agreement dated January 30, 2006.
138. Attached to the Statement of Facts as Exhibit 136 is a true and correct copy of CBY_0004945, Environmental Indemnity Agreement dated January 30, 2006.
139. Attached to the Statement of Facts as Exhibit 137 is a true and correct copy of the deposition transcript of Richard Burrow at pp. 52-53, 125, 130.

140. Attached to the Statement of Facts as Exhibit 138 is a true and correct copy of CBY_0033057, Memorandum re: Meeting dated January 31, 2007.
141. Attached to the Statement of Facts as Exhibit 139 is a true and correct copy of CBY_0018889, Letter from CBY dated July 18, 2011.
142. Attached to the Statement of Facts as Exhibit 140 is a true and correct copy of the Expert Report of Randall Grip dated March 31, 2017.
143. Attached to the Statement of Facts as Exhibit 141 is a true and correct copy of CBY_0014439, Email from S. Hazel to R. Hampel et al. dated July 30, 2009.
144. Attached to the Statement of Facts as Exhibit 142 is a true and correct copy of CBY_0131712, Amended and Restated Limited Liability Company Agreement of LIT/Viridian, LLC dated February 28, 2007.
145. Attached to the Statement of Facts as Exhibit 143 is a true and correct copy of CBY_0018936, URS Photographic Log dated 2005.
146. Attached to the Statement of Facts as Exhibit 144 is a true and correct copy of the Expert Report of Raymond F. Dovell dated March 31, 2017.
147. Attached to the Statement of Facts as Exhibit 145 is a true and correct copy of MAXCRAN0002387, Investigators Hunting Clues to Cause of Blast at Unexcelled Co., Cranbury Press dated July 30, 1954.
148. Attached to the Statement of Facts as Exhibit 146 is a true and correct copy of N.J.A.C. 5:23-1.4.
149. Attached to the Statement of Facts as Exhibit 147 is a true and correct copy of NARA-SL0000031, Letter from Department of the Army, New York Ordnance District dated August 11, 1952.

150. Attached to the Statement of Facts as Exhibit 148 is a true and correct copy of CRANBURY-ARMY0009149, JMS-MIDAS PEP Structure in An Item – M204A1 Hand Grenade Fuze.
151. Attached to the Statement of Facts as Exhibit 149 is a true and correct copy of Hazardous Substance Fact Sheet – Potassium Perchlorate, New Jersey Department of Health and Senior Services.
152. Attached to the Statement of Facts as Exhibit 150 is a true and correct copy of NARA-SL0000063, Letter from Unexcelled Chemical Corporation dated February 12, 1953.
153. Attached to the Statement of Facts as Exhibit 151 is a true and correct copy of the Expert Report of Robert Morhard dated March 31, 2017.
154. Attached to the Statement of Facts as Exhibit 152 is a true and correct copy of Hazardous Substance Fact Sheet – Aluminum, New Jersey Department of Health and Senior Services.
155. Attached to the Statement of Facts as Exhibit 153 is a true and correct copy of NARA-SL0000235, Memorandum through Chief, Ammunition Branch, Operations Division dated November 17, 1954.
156. Attached to the Statement of Facts as Exhibit 154 is a true and correct copy of MAXCRAN0002820, Letter from Unexcelled Manufacturing Company dated October 12, 1944.
157. Attached to the Statement of Facts as Exhibit 155 is a true and correct copy of CBY_0013640, Health and Safety Plan dated May 2006.

158. Attached to the Statement of Facts as Exhibit 156 is a true and correct copy of Site Remediation Program, New Jersey Dep't of Env'tl. Prot. (Nov. 21, 2016), *available at* <http://www.nj.gov/dep/srp/>.
159. Attached to the Statement of Facts as Exhibit 157 is a true and correct copy of N.J.A.C. 7:26C-1.
160. Attached hereto as Exhibit 158 is a true and correct copy of relevant portions of A History of the National Bureau for Industrial Protection (Ins. Comm. for the Protection of American Industrial Plants, 1945), *available at* [https://babel.hathitrust.org/cgi/pt?id=uc1.\\$b578134;view=1up;seq=1](https://babel.hathitrust.org/cgi/pt?id=uc1.$b578134;view=1up;seq=1).

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: November 9, 2017

/s/ Mark A. Fiore
Mark A. Fiore